

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION**

**Georgia Atlas, Inc., and
Atlas Illinois, Inc.,**

Plaintiffs,

v.

**Andrew L. Turnage, in his Official
Capacity as Executive Director of the
Georgia Access to Medical
Cannabis Commission, and Christopher
Edwards in his Official Capacity as
Commissioner of the Georgia Access to
Medical Cannabis Commission**

Defendants.

**CIVIL ACTION FILE
NO.: 1:21-CV-03520-SDG**

MOTION FOR LEAVE TO AMEND COMPLAINT COMPLAINT

NOW COME ATLAS ILLINOIS, INC and GEORGIA ATLAS, INC.
(collectively, the “Plaintiffs”), by and through undersigned counsel, and make and
file this Motion for Leave to Amend Complaint, pursuant to Fed. Rule of Civil
Procedure 15, and show the Court as follows.

1. Plaintiffs seek leave to file a 2nd Amended Complaint to strike certain causes of
action and to other causes of action in light of newly obtained information.
2. Federal Rule of Civil Procedure 15(a) allows a party to amend its complaint at
any time with the opposing party’s written consent or the court’s leave. Rule

15(a) mandates that “[t]he court should freely give leave when justice so requires.” Rule 15(a) requires courts to grant such leave assuming there is no undue delay, bad faith, dilatory motive, repeated failure to cure deficiencies, undue prejudice, or futility. *See, e.g., Foman v. Davis*, 371 U.S. 178, 182 (1962).

3. Here, the Defendants will not be substantially or unduly prejudiced by the amendments and supplements in the Amended Complaint as this case is in its infancy.
4. And while the Defendant has filed a responsive pleading, Plaintiffs are acting in good faith, having just come into possession of information, and is simply adding allegations relating to the core facts and claims of the original complaint, and are doing so early in the process. It would be equitable and in the interest of judicial economy to permit Plaintiffs to amend.
5. Under the case law in the 11th Circuit, Plaintiffs should be given leave to amend once to correct any errors before the Court considers a motion to dismiss/summary judgment. *See Bryant v. Dupree*, 252 F.3d 1161, 1163 (11th Cir. 2001) ("Generally, where a more carefully drafted complaint might state a claim, a plaintiff must be given at least one chance to amend the complaint before the district court dismisses the action with prejudice.")

WHEREFORE, Plaintiffs respectfully pray that the 2nd Amended Complaint be deemed the operative complaint in this action.

Respectfully submitted this 14th day of January 2022.

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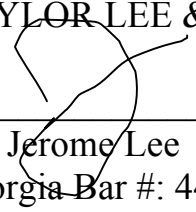
CERTIFICATE OF COMPLIANCE WITH LOCAL RULE 7.1(D)

The undersigned counsel hereby certifies that the foregoing document has been prepared in a Times New Roman 14 point font, one of the font and point selections approved by the Court in Local Rule 5.1(B).

Respectfully submitted this 14th day of January 2022.

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